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SUBJECT: SERBIA ADOPTS NEW KOSOVO RESOLUTION, PM DECLARES VICTORY

REF: Belgrade 915

11. (U) SUMMARY: Serbia's parliament approved a resolution on July 24 which empowers the GOS to negotiate on Kosovo status as long as Kosovo remains within Serbia. The document requires the GOS to "react vigorously" to any foreign government's recognition of Kosovo but does not prescribe any specific action. Prime Minister Kostunica called this resolution and the withdrawal of the draft most recent UNSC resolution on Kosovo, a "victory" for Serbia "in the defense of Kosovo" but warned that there are more "challenges" for Serbia ahead. Both the PM and President Tadic stressed that a legal outcome can only come from the UN, while the Radicals urged for stronger consequences if foreign governments recognize Kosovo's independence. END SUMMARY.

12. (U) After an eight-hour session on July 24, Serbia's parliament adopted the Government's Kosovo resolution with 217 of the 250 members voting in favor of the text. The governing coalition (DS-DSS/NS-G17+) was joined by the Socialist, Radical and Roma parties in support of the resolution, while the Liberal Democrats and the Albanian MP were against. The document (in para 8, below) essentially recycles the previous parliamentary mandate of February 14 and makes the following points: Kosovo is "an inseparable part" of Serbia guaranteed by the UNSCR 1244 and the UN Charter, Serbia stands ready to "start a new phase" of "true negotiations" between Belgrade and Pristina after the "unsuccessful talks led by Martti Ahtisaari," and that a new UNSCR is not necessary until the "conclusion of talks at which a compromise" is found. The resolution also calls on the GSO to form a new negotiating team, but does not prescribe any composition.

13. (SBU) The text is purposefully vague as to what the GOS must do in the case of Kosovo recognition by foreign governments saying only that it is "under obligation to react vigorously" to "threats and acts of unilateral acknowledgement" of Kosovo's independence. According to contacts (reftel), the Radicals wanted stronger language requiring the GOS to take specific steps including breaking diplomatic relations with countries that recognize Kosovo's independence. While the Radicals voted in favor of the resolution, Radical leader Nikolic attacked the GOS for not defining such consequences in the document saying it was their "duty" to "defend Kosovo by all means possible."

14. (U) In his speech to parliament before the vote, PM Kostunica relied on the same "struggle for Kosovo" rhetoric he has used for the past weeks. He called on Serbians to show "genuine patriotism" and said that "a new hope" was emerging that Kosovo would remain within Serbia. Taking his usual aim at the USG and other countries in support of Kosovo's independence, the PM said that "no country, no matter how powerful, can put its politics ahead of the UN, and every unilateral recognition of Kosovo's independence would be nothing more than the implementation of political force." The PM said that Kosovo Albanians were employing two types of threats -- of massive violence and a UDI -- to achieve independence, and that it is up to the international community to deal with these threats. While the PM did not satisfy the Radicals as far as defining

consequences for countries that recognizes Kosovo, he did warn that "all the states that want normal and friendly relations with Serbia will have to honor...the inalterability of internationally recognized borders and territorial integrity of Serbia." He added that any future status negotiations must be under the auspices of the UN.

¶5. (U) President Tadic made similar remarks at the session, calling for more talks and a compromise solution through the UNSC. The President credited Serbia's united Kosovo policy for the renewed support of the international community for Serbia on Kosovo. Like the PM, Tadic also bemoaned "threats" by the Kosovo Albanians which are "against European democratic charters."

¶6. (SBU) The Liberal Democrats, the lone party against the resolution, fielded their own resolution (text in para 9) which called on the GOS to "guarantee the sustainable future of all the citizens in Serbia and in Kosovo." LDP leader Jovanovic added that the GOS may soon regret having rejected the Ahtisaari proposal and that more delay on status will only hurt Kosovo Serbian community. Due to the overwhelming support for the GOS's resolution, the LDP's text had no chance of even reaching the floor.

¶7. (SBU) COMMENT: This parliamentary session and resolution represent the climax of several weeks of political theater orchestrated by PM Kostunica to keep his Kosovo policy as Serbia's only Kosovo policy. With this vote, Kostunica has shown that he has every party except the LDP on his side on Kosovo. While he has not returned to his overtly anti-U.S. rhetoric of June, he has used this parliamentary session to build a united front so that there is no doubt, both domestically and internationally, that Serbia has a single Kosovo policy: Kosovo's stability is the international community's problem and that its status must be decided through UNSC-led talks (without Ahtisaari and without a defined end). END COMMENT.

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¶8. (U) Text of Draft Resolution

Begin Text

Draft resolution on the need for a just solution of the issue of the Autonomous Province of Kosovo-Metohija based on international law:

(1. Kosovo and Metohija is an inseparable part of the state of Serbia on the basis of existing and all-binding constitutional and international legal documents. The sovereignty and territorial integrity of the Republic of Serbia are guaranteed not only by the Constitution of the Republic of Serbia, but also by the United Nations Charter, the Helsinki Final Act and proper resolutions of the UN Security Council, especially Resolution 1244. Any solution for the future status of Kosovo-Metohija must be based on these basic principles, complying at the same time with the appropriate decisions of the UN Security Council. Any attempt to reach a decision that violates these basic principles would be declared null and void and dangerous for the survival of the state of Serbia, and as such, would represent a motive for the state organs of the Republic of Serbia to take appropriate actions in line with international law.

(2. The Republic of Serbia is ready to start a new phase of negotiations for finding the most favourable solution for Kosovo-Metohija, taking into account all fundamental state interests, the legitimate interests of the Albanian national minority in the province, general interests of securing regional stability and prospects for peaceful and prosperous future for all its citizens. Laying out its proposal for substantial autonomy of Kosovo-Metohija, the Republic of Serbia is ready to reach a compromise solution to this issue.

(3. To that end, it is necessary that interested international parties, together with representatives of the Republic of Serbia, secure true negotiations between representatives of the Republic of Serbia and interim institutions of self-government in

Kosovo-Metohija. As opposed to unsuccessful talks led by Martti Ahtisaari, new negotiations must be open as regards their outcome and duration, while at the same time respecting the basic principles and norms of international law.

(4. Serbian parliament thinks that the new United Nations Security Council resolution on Kosovo-Metohija should be brought only after the conclusion of talks at which a compromise solution for the province's status resolution is adopted. New talks may be led only within the effective UN Security Council Resolution 1244 and on the basis of the United Nation's clear mandate.

(5. Serbian parliament demands that all United Nations member states respect Serbia's sovereignty and territorial integrity in line with international law, UN Charter and UN Security Council Resolution 1244. Serbian parliament also demands that UN Secretary General takes all measures at his disposal, on the basis of UN binding documents, and prevent the breach of the UN Charter and UN Security Council Resolution 1244. The Serbian government is under obligation to act towards the accomplishment of these demands posed by Serbian parliament.

(6. Serbian parliament thinks that unilateral recognition of Kosovo's self-proclaimed independence would have unpredictable consequences on regional stability. The Serbian government and all state organs are under obligation to react vigorously and duly to any hint or act on the part of any international entity whose final aim would be unilateral acts of breaching Serbia's sovereignty and territorial integrity. This particularly refers to threats and acts of unilateral acknowledgment of Kosovo-Metohija's independence.

(7. The Serbian government is under obligation to form a new state negotiating team for talks on Kosovo-Metohija's future status.

(8. The Serbian government is under obligation to regularly inform Serbian parliament on international and domestic situation regarding Kosovo-Metohija.

End Text

19. (U) Begin text of LDP resolution:

Principles for participation in talks on KiM status:

(1. The National Parliament (NP) welcomes the decision to allow for a new negotiating process to define a sustainable and just solution for KiM, based on the interests and needs of all citizens and the entire region's necessary participation in European integration.

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(2. The NP expresses its readiness and desire that all relevant state institutions should join this process with best intentions, with a constructive role to find a solution, bearing in mind state interests of the Republic of Serbia and all of its citizens, regardless of their national and ethnic background or territory they inhabit.

(3. The NP expresses an unambiguous dedication to a European future of the entire region, based on moving beyond the burden of the past and creating a mechanism for all societies, especially including Serbian and Albanian community, to be equally treated members of the European community based on principles of rule of law, respect for human rights, free movement of people, goods, capital and information, collective security and mutual cooperation in common interest.

(4. The NP authorizes representatives of the Republic of Serbia to conduct negotiations bearing in mind the two most important interests of our state and its citizens:

1) to overcome the problems of KiM by defining solutions for the secure future of all its citizens;

2) an unambiguous dedication by the state and its citizens become equal members of the EU.

(5. The NP is convinced that these two interests cannot be separate and that they are equally important for all participants in negotiations, and that the reconciliation of these principles and the simultaneous solutions should be a mechanism for the just and effective solution to the problem.

(6. The NP believes that a status solution for KiM should be a functional society, part of the unique European political and economic environment. This means that negotiations on Kosovo should be aimed at establishing mechanisms and clear and efficient guarantees for the sustainable future for all citizens in Serbia and in KiM, including defining relationships in Kosovo through mechanisms that enable decision making for the Serbian community and each individual, as well as effective political representation, management of activities of interest within communities in which they live, freedom and security, freedom of movement, economic freedoms and social rights. We emphasize that the first step towards defining a realistic and lasting settlement for Kosovo equality for both the status of Serbian and Albanian communities and equal rights and obligations determined by the principles of constitutionality and consensus.

(7. Having in mind this determination, the NP believes that future negotiations should define arrangement which is not a final status solution per se, but a necessary step in removing political and security obstacles to the common goal of the entire region as full EU members.

(8. The NP expects that the international participants in the negotiations and decision-making process should achieve an outcome based on a European future for the region conditioned only by the readiness of states to solve all challenges and problems in a peaceful manner with the intention of joining the EU.

(9. The NP recognizes as partners in this process all international subjects that share rights and responsibilities of contemporary international order: protection of vital national interests through participation in international organizations; mutual relationships based on the recognition and implementation of common interest; integration; peaceful resolution of conflicts; participation in collective security systems and common responses on security and other threats. The RS particularly insists on the necessary assistance of the most important international subjects: the U.S.A, Russian Federation and the framework of the EU and its common foreign and security politics.

(10. The interest of the RS and its citizens is not a blockade of a solution-finding process and further preservation of instability and unresolved relations in the region. The NP authorizes and obligates all Serbian representatives in future negotiations to be constructive in spirit and intent to find a solution based on the aforementioned principles, and to, having in mind interests of Serbia, use all legal and legitimate negotiations methods, including methods envisaged in the UN Charter, in order to achieve a sustainable and compromise-based solution.

(11. The NP insists on a verification of the solution by appropriate UNSC documents, which will have a mandatory, legal effect as the authority of the institution that represents the highest organization of the international community.

End text.

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